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9 **UNITED STATES BANKRUPTCY COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**
11 **FRESNO DIVISION**

12 In re
13 RDX, Inc.,
14 Debtor.

CASE No. 17-12463

DC No. FRB-1

Chapter 7

**DECLARATION OF DIRK COPPLE IN
SUPPORT OF EX PARTE APPLICATION
FOR AN ORDER SETTING A HEARING
ON SHORTENED NOTICE ON
CREDITOR TBK BANK, SSB'S MOTION
FOR RELIEF FROM THE AUTOMATIC
STAY**

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19 I, Dirk Copple, declare as follows:

20 1. I am employed as Executive Vice President at Triumph Commercial Finance, a
21 division of TBK Bank, SSB ("TBK").¹ I have personal knowledge of the facts set forth herein,
22 which are known by me to be true and correct, and if called as a witness, I could and would
23 competently testify thereto.

24 2. This declaration is submitted in support of Ex Parte Application For An Order
25 Setting A Hearing On Shortened Notice On Creditor TBK Bank, SSB's Motion For Relief From

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27 ¹ TBK Bank, SSB was formerly known as Triumph Savings Bank, SSB. On October 1,
28 2015, Triumph Savings Bank, SSB changed its name to TBK Bank, SSB.

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1 Automatic Stay. I request that the Court take judicial notice of the Declaration I filed in support of
2 the Motion for Relief From the Stay as to all facts regarding the loans and the various events of
3 default ("Declaration"). All terms used and defined in the Declaration are also used herein.

4 3. The purpose of this declaration is to highlight the reasons for the request to shorten
5 time for the hearing on the motion for relief from stay. As the Court is aware from the Declaration,
6 I am one of the persons at TBK in charge of monitoring and collecting delinquent and problem
7 accounts at TBK. I am one of the persons at TBK charged with responsibility for the collection of
8 the obligation of accounts which involve RDX, Inc. ("Debtor"). My responsibilities include
9 supervision and control over certain of TBK employees and I am familiar with the bookkeeping
10 procedures of TBK. I am required to know and, in fact, am very familiar with the jobs of TBK
11 employees and the methods they use in making bookkeeping entries and maintaining other records
12 for which I am ultimately responsible.

13 4. The reasons why TBK requests shortened time are because the Debtor and its
14 principals have destroyed and damaged TBK's collateral, and now many of the Trucks are
15 completely uninsured. By the time the Motion is filed, all insurance on the Trucks will have
16 lapsed.

17 5. I do not know the extent of the damage to all of the trucks and trailers, but attached
18 as Exhibit 8 to the separately filed appendix of exhibits ("Appendix of Exhibits") is a repair bill
19 for some of them which remains unpaid.

20 6. With respect to the five trucks securing the loan identified in the Declaration as
21 LSA 2, these Trucks were in outstanding condition just 60 days ago, but now they have been
22 trashed and left with a repair bill for \$35,820.00. Attached as Exhibit 9 to the Appendix of
23 Exhibits is that repair bill. In addition, it appears to me that the Debtor and its principals have been
24 cannibalizing new parts and tires and replacing them with old parts and tires.

25 7. We learned that the Debtor, presumably through its principals and in particular
26 Dave Singh, submitted phony insurance to TBK when the loan was made, secured by the Trucks
27 on LSA 1. Attached as Exhibit 10 to the Appendix of Exhibits are copies of communications with
28 the insurance company reflecting that no such insurance exists. With respect to the five trucks

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1 which are collateral for LSA 2, there was no insurance in effect at all. To the extent that insurance
2 exists as to any of the Trucks, the insurance will lapse on Sunday, July 2, 2017. And, given the
3 conduct of the Debtor and its principals, this Debtor is not to be trusted to do anything to protect
4 and preserve the Trucks. In addition, if there is no insurance then, in the event of damage to
5 person or property of others, this will be a huge problem.

6 8. As a result of the foregoing, it is requested that a hearing be set on this Motion as
7 soon as possible so that the Trucks can be repossessed and protected and so TBK can protect third
8 parties from damage caused by the Debtor and its principals.

9 9. I can also testify that the Debtor's attorney has advised both TBK's counsel and me
10 that it has no objection to relief from stay being granted.

11 I declare under penalty of perjury under the laws of the State of California and United
12 States of America that the foregoing is true and correct.

13 Executed on this 30 day of June, 2017, at Dallas, Texas.

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17 DIRK COPPLE
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